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July 30, 2004

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
July 30, 2004 Date	 Gina N. Shishima

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Re: SN 09/381,750 entitled "*Promoter for Smooth Muscle Cell Expression*" by
Ratain et al.

Our ref: ARCD:333--1 Client ref: UCHI:583

Commissioner:

Enclosed for filing in the above-referenced patent application are the following:

- (1) Response to Restriction Requirement Dated June 30, 2004; and
- (2) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

It is believed that no fee is due. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/ARCD:333--1.

Very truly yours,

Gina N. Shishima
Reg. No. 45,104

GNS/ld
Enclosures

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JFW



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July 30, 2004 Date	 Gina N. Shishima

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Parmacek et al.

Serial No.: 09/381,750

Filed: January 25, 2001

For: Promoter for Smooth Muscle Cell
Expression

Group Art Unit: 1636

Examiner: McKelvey, Terry Alan

Atty. Dkt. No.: ARCD:333--1

RESPONSE TO RESTRICTION REQUIREMENT DATED JUNE 30, 2004

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

This paper is submitted in response to the Restriction Requirement dated June 30, 2004 for which the date for response is July 30, 2004.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/ARCD:333--1.

In response to the restriction requirement which the Examiner imposed, Applicants elect, without traverse, to prosecute claims 40-44 and 53, *i.e.*, the Group II claims.

The Examiner is invited to contact the undersigned attorney at (512) 536-3081 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Gina N. Shishima
Reg. No. 45,104
Attorney for Applicants

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Date: July 30, 2004